

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NAVY SEAL 1, et al.,

Plaintiffs,

v.

CASE NO. 8:21-cv-2429-SDM-TGW

LLOYD AUSTIN, et al.,

Defendants.

ORDER

In the amended complaint, the plaintiffs, comprising thirty-three service members, two civilian federal employees, and one federal contractor, sue (Doc. 75) to enjoin the “Federal COVID-19 Vaccine Mandate,” including Executive Order 14042, Executive Order 14043, an August 24, 2021 memorandum issued by Secretary Austin, and “all related, resulting, subsequent, amended, or superseding federal orders or directives.” (Doc. 75 ¶ 92) As the parties agreed during a February 10, 2022 hearing, this action warrants severance.

To effect more efficient case management and under Rule 21, Federal Rules of Civil Procedure, the non-service member plaintiffs and their claims are **SEVERED**. The clerk must open two new civil cases assigned to me and Magistrate Judge Thomas G. Wilson. In each new case, the clerk must file in the following order the

following items (including any attachments) from this case (8:21-cv-2429), and each item will stand in the severed case as if filed on the date filed in 8:21-cv-2429.

1. This order.
2. The amended complaint. (Doc. 75)
3. The pending motion for a preliminary injunction. (Doc. 2)
4. The pending motion for class certification. (Doc. 35)
5. The order on the motion for preliminary injunction. (Doc. 40)
6. The opposition to class certification. (Doc. 42)
7. The supplemental memorandum in support of a preliminary injunction. (Doc. 51)
8. The pending motion to proceed pseudonymously. (Doc. 55)
9. The supplemental opposition to a preliminary injunction. (Doc. 74)
10. The opposition to proceeding pseudonymously. (Doc. 79)

Not later than **FEBRUARY 21, 2022**, the plaintiffs (1) must amend the complaint in the lower-numbered new case to proceed on behalf of the federal employees only, (2) must amend the complaint in the higher-numbered new case to proceed on behalf of the federal contractors only, and (3) must amend the complaint in this action (8:21-cv-2429) to proceed on behalf of the service members only. Each motion

pending in this action (8:21-cv-2429) is **DENIED AS MOOT** to the extent the motion requests relief on behalf of non-service members.

No party waives or otherwise loses any claim, defense, or objection due to this severance, and no party's time to file or respond to any paper is affected by this severance.

ORDERED in Tampa, Florida, on February 12, 2022.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE